

Attorney Docket: 030347  
U.S. Application No. 10/720,949 Examiner SIKRI Art Unit 2109  
Response to July 23, 2008 Final Office Action

### **REMARKS**

In response to the final Office Action dated July 23, 2008, the Assignee respectfully requests reconsideration based on the following remarks. The Assignee respectfully submits that the pending claims already distinguish over the cited documents.

Claims 1-20 are pending in this application.

#### **Rejection of Claims 1-8 Under § 103 (a)**

The Office rejects claims 1-8 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent Application Publication 2003/0093790 to Logan, *et al.* in view of U.S. Patent Application Publication 2003/0126610 to Ando.

Claims 1-8, though, cannot be obvious over *Logan* and *Ando*. These claims already recite, or incorporate, many features that are not disclosed or suggested by the proposed combination of *Logan* and *Ando*. Independent claim 1, for example, already recites “determining a subcontracted processing service is required from a different service provider” and “grouping together individual packets of data that require the subcontracted processing service as a new segment” (emphasis added). Independent claim 1 also recites “subcontracting the new segment to the different service provider to receive the subcontracted processing service” and “receiving a subcontracted result of the subcontracted processing service” (emphasis added).

The combined teaching of *Logan* and *Ando* does not obviate at least these features. As the Assignee has previously explained, *Logan* segments broadcast programming and uses demographics and preferences to select segments that match the needs of users. See U.S. Patent Application Publication 2003/0093790 to Logan, *et al.* at paragraphs [0043], [0045], and [0047]. Even so, *Logan* completely fails to teach or suggest the “*subcontracting*” features of independent claim 1.

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The Office alleges that *Ando* teaches these “*subcontracting*” features. The Office cites to several paragraphs within *Ando*, but the Office is, very respectfully, mistaken. *Ando* describes a request for reserving a frequency band (or maximum packet length) in a network route. *See* U.S. Patent Application Publication 2003/0126610 to Ando at paragraphs [0090] and [0091]. As the Assignee explains below, *Ando* fails to teach, suggest, or even contemplate the “*subcontracting*” features of independent claim 1. *Ando*, quite simply, has nothing to do with “*subcontracting*.”

The Office, for example, cites to *Ando*’s paragraph [0042]. This paragraph is reproduced in its entirety below:

[0042] More specifically, this IP streaming system includes an headend system 10 which stores many types of multimedia contents and executes distribution processing of multimedia contents such as videos for which viewing requests are sent from users, a network 20 having, for example, a ring-topology configuration, and a plurality of distribution HUBs 30.

U.S. Patent Application Publication 2003/0126610 to Ando at paragraph [0042]. As the Office should now realize, this paragraph makes absolutely no mention of “*determining a subcontracted processing service is required from a different service provider*” or “*grouping together individual packets of data that require the subcontracted processing service as a new segment*” (emphasis added). *Ando*’s paragraph [0042] is equally silent to “*subcontracting the new segment to the different service provider to receive the subcontracted processing service*” and “*receiving a subcontracted result of the subcontracted processing service*” (emphasis added). *Ando*’s paragraph [0042], then, does not teach what the Office alleges.

The Office also cites to *Ando*’s paragraph [0045], but the Office is again mistaken. *Ando*’s paragraph [0045] is reproduced in its entirety below:

[0045] This navigation server 11 incorporates an EPG (Electronic Program Guide) which becomes a menu window which is possessed by the server 11 itself and can be browsed, navigation server software, other necessary software, and the like, and executes required processing while securing cooperation among the EPG and various pieces of software. When a request to view a given content is sent from a user, the navigation server 11 receives the type of requested content. If a

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VOD content is requested, the navigation server 11 notifies the distribution server 12 of the corresponding information. Assume that the requested content is distributed by broadcasting, the navigation server 11 does not notify the distribution server 12.

U.S. Patent Application Publication 2003/0126610 to Ando at paragraph [0045]. This paragraph discusses a "navigation server" that stores an EPG and notifies a distribution server of requested video-on-demand content. This paragraph is entirely silent to "determining a subcontracted processing service is required from a different service provider" or "grouping together individual packets of data that require the subcontracted processing service as a new segment" (emphasis added). Ando's paragraph [0045] is also silent to "subcontracting the new segment to the different service provider to receive the subcontracted processing service" and "receiving a subcontracted result of the subcontracted processing service" (emphasis added). Ando's paragraph [0045], then, does not teach what the Office alleges.

The Office also cites to Ando's paragraph [0046]. Again, though, the Office is, respectfully, mistaken. Ando's paragraph [0046] is reproduced in its entirety below:

[0046] This distribution server 12 has a large-capacity distribution information database 12a which stores many types of multimedia contents, band information and necessary distribution time information required to distribute the respective contents, and other information required for distribution, and has the function of managing distribution information including various types of contents. Upon reception of a distribution request for a VOD content from the navigation server 11 on the basis of request source information such as an IP address, the distribution server 12 reads out the requested content from the distribution information database 12a, and distributes to the user on the basis of the request source information. In contrast, a broadcast content is distributed by using a multicasting technique such as IP multicasting. Note that a broadcast content is set in advance on the basis of the use frequency in the past or a use frequency is set in advance and a content whose use frequency exceeds the reference use frequency is automatically recognized as a broadcast content. Alternatively, such contents are determined in accordance with a contract with a contents provider.

U.S. Patent Application Publication 2003/0126610 to Ando at paragraph [0046]. This paragraph also discusses the "distribution server" that distributes VOD content to a requesting user. The

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last sentence of *Ando's* paragraph [0046] briefly mentions a "contract with a contents provider." This meager disclosure in no way teaches or suggests "*determining a subcontracted processing service is required from a different service provider*" or "*grouping together individual packets of data that require the subcontracted processing service as a new segment*" (emphasis added). *Ando's* paragraph [0046] is also silent to "*subcontracting the new segment to the different service provider to receive the subcontracted processing service*" and "*receiving a subcontracted result of the subcontracted processing service*" (emphasis added). *Ando's* paragraph [0046], then, does not teach what the Office alleges.

Claims 1-8, then, are not obviated by *Logan* and *Ando*. Neither *Logan* nor *Ando* teaches or suggests the "*subcontracting*" features recited by independent claim 1. The dependent claims incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that claims 1-8 are obvious over *Logan* and *Ando*. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

**Rejection of Claims 9-20 under § 103 (a)**

Claims 9-20 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Logan* in view of U.S. Patent 6,285,871 to Daniels and further in view of *Ando*.

Claims 9-20, however, cannot be obvious over *Logan*, *Daniels*, and *Ando*. These claims already recite, or incorporate, features that are not taught or suggested by the combined teaching of *Logan* and *Daniels*. Independent claim 9, for example, recites "*determining a subcontracted processing service is required from a different service provider*" and "*grouping together individual packets of data as a new segment, each of the individual packets in the new segment requiring the subcontracted processing service.*" Independent claim 9 also recites "*subcontracting the new segment to the different service provider to receive the subcontracted processing service.*" Independent claims 19 and 20 recite similar features.

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The combined teaching of *Logan*, *Daniels*, and *Ando* does not obviate all these features. As the above paragraphs already explained, both *Logan* and *Ando* completely fail to discuss or even contemplate the “*subcontracting*” features of the independent claims.

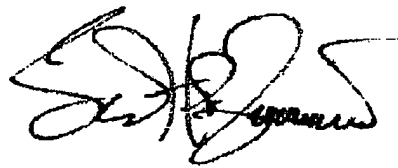
*Daniels* does not cure these deficiencies. *Daniels* permits credit worthy customers to incur roaming charges in a cellular network. Those with bad credit histories, however, may be prevented from roaming.

Still, though, *Logan*, *Daniels*, and *Ando* do not obviate claims 9-20. The proposed combination of *Logan*, *Daniels*, and *Ando* remains silent to all the “*subcontracting*” features of independent claims 9, 19, and 20. Dependent claims 10-18 incorporate these same distinguishing features and recite additional features. One of ordinary skill in the art, then, would not think that claims 9-20 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

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If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,



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